

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARIO WILSON,

Plaintiff,

V.

RICHARD POOR,

Defendant.

CASE NO. C19-5920 BHS-TLF

ORDER

This matter comes before the Court on Plaintiff Mario Wilson's Motion for
Provisionary Restraining Order Dkt. 85

15 Wilson sued Richard Poor in 2019, Dkt. 1, and later amended his complaint in
16 2021. Dkt. 37. Wilson alleges that Poor, a cook at Stafford Creek Corrections Center
17 (“SCCC”) interjected his opinions in a conversation between Wilson and the kitchen staff
18 about Ramadan meals. Dkt. 37, ¶¶ 7–8. Wilson alleges that he explained to Poor his
19 beliefs about Ramadan were incorrect and that Poor responded by threatening bodily
20 harm against Wilson. *Id.* ¶¶ 8–9. Wilson further alleges that Poor retaliated against him
21 by sending him back to his living unit without a penological basis. *Id.* ¶ 10. Wilson
22 argues that Poor’s actions violated his First and Fourteenth Amendment rights, 42 U.S.C.

1 §§ 2000cc(a)(1), (b)(3), and RCW 4.92.090.¹ *Id.* Wilson seeks \$40,000 in damages. *Id.*

2 ¶¶ 22–23.

3 Poor moved for summary judgment on Wilson’s religious access claim and
 4 dismissal on Wilson’s retaliation claim in August 2021, Dkt. 42, and Wilson filed a
 5 cross-motion for summary judgment in December 2021, Dkt. 57. In February 2022,
 6 Magistrate Judge Fricke recommended granting Poor’s motion for summary judgment on
 7 Wilson’s religious access claim for failure to exhaust, deny Poor’s motion to dismiss
 8 Wilson’s retaliation claim, and deny Wilson’s motion for summary judgment. Dkt. 66.
 9 This Court adopted Judge Fricke’s recommendation. Dkt. 73.

10 Poor then moved for summary judgment on Wilson’s retaliation claim, Dkt. 71,
 11 and Wilson filed a cross-motion for summary judgment on that claim, Dkt. 74. Judge
 12 Fricke recommends denying the parties’ cross-motions. Dkt. 81. The Court has yet to rule
 13 on Judge Fricke’s Report and Recommendation (“R&R”).

14 The parties had until October 18, 2022, to object to Judge Fricke’s R&R. Dkt. 81.
 15 While the cross-motions were pending, Wilson was transferred to Coyote Ridge
 16 Corrections Center (“CRCC”). Poor objected to the R&R on October 12, 2022. Dkt. 83.
 17 Wilson seeks an extension of time to object, arguing that, after his transfer to CRCC, he
 18 has been denied access to the law library and to his legal documents. Dkt. 84. Wilson also
 19 moves for a temporary restraining order, asking the Court to order CRCC to stop
 20 retaliating against him by withholding his documents, to grant him access to the law

21 ¹ 42 U.S.C. § 2000cc governs “Protection of land use as religious exercise.” RCW
 22 4.92.090 eliminates Washington’s sovereign immunity for tortious acts.

1 library, and to turn over his legal documents. Dkt. 85. Poor argues the Court cannot grant
2 such injunctive relief against Poor, an SCCC employee, because Wilson is now housed at
3 CRCC and because the new issue is unrelated to Wilson's claims against Poor. Dkt. 86.
4 Poor does not opine on whether Wilson has in fact been deprived of his legal documents
5 or access to the law library. *Id.* Poor also does not oppose a 30-day extension of time to
6 allow Wilson to object. *Id.*

7 The Court agrees that a TRO is inappropriate and that motion, Dkt. 85, is
8 **DENIED**. Nevertheless, it is unclear what is preventing the defense from providing
9 Wilson his legal documents. Thus, Poor is **ORDERED to SHOW CAUSE** by
10 **November 4, 2022**, as to why the defense cannot or has not provided Wilson his legal
11 documents. Wilson's Motion for Extension of Time to object, Dkt. 84, is **GRANTED**.
12 Wilson may object by **December 2, 2022**. The Court may grant a further extension if he
13 can demonstrate that he is not getting access to the law library or his legal documents.
14 The Clerk is directed to **RENOTE** Poor's Objections, Dkt. 83, to the Court's December
15 2, 2022 calendar.

16 IT IS SO ORDERED.

17 Dated this 20th day of October, 2022.

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BENJAMIN H. SETTLE
United States District Judge